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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,392	06/08/2001	Gordon James Smith	ROC920010089US1	2432
7590 08/11/2004			EXAMINER	
Gero G. McClellan Thomason, Moser & Patterson, L.L.P. Suite 1500 3040 Post Oak Boulevard, Houston, TX 77056-6582			YOUNG, JOHN L	
			ART UNIT	PAPER NUMBER
			3622	
DATE MAILED: 08/11/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/877,392

Applicant(s)

SMITH, GORDON JAMES

Examiner

John L Young

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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NON-FINAL REJECTION

DRAWINGS

1. This application has been filed with drawings that are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Gravelle US 2002/0178073; class 705/26 (11/28/2002) [US f/d: May 25, 2001] (herein referred to as "Gravelle").

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As per claim 1, Gravelle (§§ [0002]; [0006]; [0009]; [0014]; [0017]; [0018]; [0019]; [0020]; [0021]; [0023]; [0024]; [0025]; [0026] through [0033]; and [0034] through [0039]) implicitly shows the elements and limitations of claim 1.

Gravelle lacks explicit disclosure of some of the elements of claim 1, even though Gravelle cited above implicitly shows same.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Gravelle (§§ [0002]; [0006]; [0009]; [0014]; [0017]; [0018]; [0019]; [0020]; [0021]; [0023]; [0024]; [0025]; [0026] through [0033]; and [0034] through [0039]) implicitly shows the elements and limitations of claim 1, because modification and interpretation of the cited disclosure of Gravelle would have provided “*automated vehicle identification. . . .*” (see Gravelle §[0002]), based on the motivation to modify Gravelle so as to provide “*wireless, voice or data communication for expedited mobile ordering and fulfillment. . . .*” (See Gravelle §[0002]).

As per claims 2-24, Gravelle shows the method of claim 1 and subsequent base claims depending from 1.

Gravelle (§§ [0002]; [0006]; [0009]; [0014]; [0017]; [0018]; [0019]; [0020]; [0021]; [0023]; [0024]; [0025]; [0026] through [0033]; and [0034] through [0039]) implicitly shows the elements and limitations of claims 2-24.

Gravelle lacks explicit recitation of some of the elements of claims 2-24, even though Gravelle implicitly shows same.

Official Notice is taken that both the concept and the advantages of the elements and limitations of claims 2-24 were well known and expected in the art at the time of the invention because, it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Gravelle (§§ [0002]; [0006]; [0009]; [0014]; [0017]; [0018]; [0019]; [0020]; [0021]; [0023]; [0024]; [0025]; [0026] through [0033]; and [0034] through [0039]) implicitly shows the elements and limitations of claims 2-24, because modification and interpretation of the cited disclosure of Gravelle would have provided “*automated vehicle identification. . . .*” (see Gravelle §[0002]), based on the motivation to modify Gravelle so as to provide “*wireless, voice or data communication for expedited mobile ordering and fulfillment. . . .*” (See Gravelle §[0002]).

As per claim 25, Gravelle (§§ [0002]; [0006]; [0009]; [0014]; [0017]; [0018]; [0019]; [0020]; [0021]; [0023]; [0024]; [0025]; [0026] through [0033]; and [0034] through [0039]) implicitly shows the elements and limitations of claim 25.

Gravelle lacks explicit disclosure of the “destination” elements of claim 25, even though Gravelle cited above implicitly shows same.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Gravelle (§§ [0002]; [0006]; [0009]; [0014]; [0017]; [0018]; [0019]; [0020]; [0021]; [0023]; [0024]; [0025]; [0026] through [0033]; and [0034] through [0039]) implicitly shows the

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“destination” elements of claim 25, because modification and interpretation of the cited disclosure of Gravelle would have provided “*automated vehicle identification. . .*” (see Gravelle ¶[0002]), based on the motivation to modify Gravelle so as to provide “*wireless, voice or data communication for expedited mobile ordering and fulfillment. . .*” (See Gravelle ¶[0002]).

As per claims 26-30, Gravelle shows the method of claim 25 and subsequent base claims depending from 25.

Gravelle (¶¶ [0002]; [0006]; [0009]; [0014]; [0017]; [0018]; [0019]; [0020]; [0021]; [0023]; [0024]; [0025]; [0026] through [0033]; and [0034] through [0039]) implicitly shows the elements and limitations of claims 26-30.

Gravelle lacks explicit recitation of some of the elements of claims 26-30, even though Gravelle implicitly shows same.

Official Notice is taken that both the concept and the advantages of the elements and limitations of claims 26-30 were well known and expected in the art at the time of the invention because, it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Gravelle (¶¶ [0002]; [0006]; [0009]; [0014]; [0017]; [0018]; [0019]; [0020]; [0021]; [0023]; [0024]; [0025]; [0026] through [0033]; and [0034] through [0039]) implicitly shows the elements and limitations of claims 26-30, because modification and interpretation of the

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cited disclosure of Gravelle would have provided “*automated vehicle identification. . . .*” (see Gravelle ¶[0002]), based on the motivation to modify Gravelle so as to provide “*wireless, voice or data communication for expedited mobile ordering and fulfillment. . . .*” (See Gravelle ¶[0002]).

Independent claim 31 is rejected for substantially the same reasons as independent claim 1.

As per claims 32-41, Gravelle shows the method of claim 31 and subsequent base claims depending from 31.

Gravelle (¶¶ [0002]; [0006]; [0009]; [0014]; [0017]; [0018]; [0019]; [0020]; [0021]; [0023]; [0024]; [0025]; [0026] through [0033]; and [0034] through [0039]) implicitly shows the elements and limitations of claims 32-41.

Gravelle lacks explicit recitation of some of the elements of claims 32-41, even though Gravelle implicitly shows same.

Official Notice is taken that both the concept and the advantages of the elements and limitations of claims 32-41 were well known and expected in the art at the time of the invention because, it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Gravelle (¶¶ [0002]; [0006]; [0009]; [0014]; [0017]; [0018]; [0019]; [0020]; [0021]; [0023]; [0024]; [0025]; [0026] through [0033]; and [0034] through [0039]) implicitly shows the elements and limitations of claims 32-41, because modification and interpretation of the

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cited disclosure of Gravelle would have provided "*automated vehicle identification. . . .*" (see Gravelle ¶[0002]), based on the motivation to modify Gravelle so as to provide "*wireless, voice or data communication for expedited mobile ordering and fulfillment. . . .*" (See Gravelle ¶[0002]).

CONCLUSION

3. Any response to this action should be mailed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and

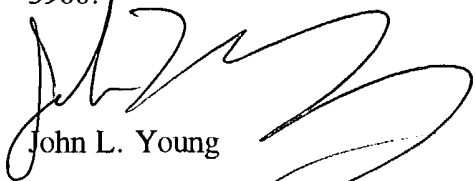
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5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,
Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the Group receptionist whose telephone number is (703) 305-

3900.

A handwritten signature in black ink, appearing to read 'John L. Young', is written over the printed name.

John L. Young

Primary Patent Examiner

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

August 9, 2004